

UNAPPROVED

**VIRGINIA BOARD OF DENTISTRY
FULL BOARD MINUTES**

June 8, 2018

Department of Health Professions

Henrico, VA 23233

- CALL TO ORDER:** Dr. Alexander called the meeting of the Board to order at 9:34AM. With 10 Board members present, a quorum was established.
Ms. Reen provided the emergency egress procedures for Board Room 4.
- MEMBERS PRESENT:** John M. Alexander, D.D.S., President
Tonya A. Parris-Wilkins, D.D.S., Vice-President
Augustus A. Petticolas, Jr., D.D.S., Secretary
Tammy C. Ridout, R.D.H.
Sandra J. Catchings, D.D.S.
James D. Watkins, D.D.S.
Carol R. Russek, JD
Jamiah Dawson, D.D.S.
Patricia B. Bonwell, R.D.H., PhD
Nathaniel C. Bryant, D.D.S.
- STAFF PRESENT:** Sandra K. Reen, Executive Director of the Board
Kelley W. Palmatier, Deputy Executive Director of the Board
Sheila Beard, Executive Assistant
Connie McHale, Licensing Manager
David Brown, DC, DHP Director
Barbara Allison-Bryan, MD, DHP Chief Deputy Director
Elaine Yeatts, DHP Policy Analyst
- COUNSEL PRESENT:** James E. Rutkowski, Assistant Attorney General
- PUBLIC COMMENT:** Charles Gaskin, D.D.S. – Charles Gaskin, D.D.S. spoke to the board about evidence-based dentistry (EBD) He cited an article by Dr. David W. Chambers entitled “Evidence-Based Overreach” which appeared in the Journal of the American College of Dentists, Volume 84, Number 4, 2017.
- Dr. Gaskin asked the Board to be cautious and to be aware of perceived bias in relating EBD to standard of care.
- APPROVAL OF MINUTES:** With one change noted in the March 9, 2018 minutes, Dr. Petticolas made a motion to adopt the 3 sets minutes. The motion was seconded and passed.

DHP DIRECTOR'S REPORT

Dr. Brown informed the Board that the agency has completed the move of the reception area renovation to the first floor and the move of the Board of Dentistry to its new space on the 3rd floor. Additional changes included informing the Board of new agency ID badges with the agency logo for staff and board members. In addition, the Medicaid expansion implementation will happen in January. Dr. Brown informed the board that the Board of Pharmacy will monitor production of the THC oils, monitoring who and what can be prescribed and allowing five processors to get a permit.

Dr. Brown informed the Board that there is underway an evaluation of the need for community health workers to be regulated. Lastly, there is a bill that may require ER doctors to check with PMP before prescribing narcotics and evaluate the need for the availability of naloxone for patients receiving narcotic medications.

Dr. Allison-Bryan informed the Board that presently, security measures for staff and board members are being reviewed for the building. In addition, she provided a recap regarding the opioid epidemic. She also mentioned the presentation made by Dr. Abubaker at the staff development day.

CONFERENCE REPORTS

AADB – Dr. Dawson submitted a report to the Board, which is included in the agenda package, referencing her attendance to the AADB meeting held in Chicago, IL in April. She thanked the Board for the opportunity to attend.

Dr. Petticolas was also in attendance at the AADB meeting stating the meeting was very beneficial and enlightening. Some of the topics discussed included curriculum assessments, corporate dentistry, dental education today and a case study on dentist administering the flu vaccine.

COMMITTEE REPORTS

Dr. Watkins made the following reports:

- **SRTA** – Dr. Watkins stated the application has been submitted for SRTA rejoining ADEX for the development of licensure exams. What may still pose to be a hindrance is that ADEX is assessing a \$20k fee for rejoining. There will be more information to come on this decision.
- **BHP** - BHP has not met since our last board meeting. The next meeting is scheduled this month.
- **Exam Committee** – The Exam Committee has not met since our last board meeting.

Dr. Petticolas made the following report:

- **Regulatory-Legislative Committee** – Dr. Petticolas informed the Board that the committee is scheduled to meet on June 29, 2018. Currently on the agenda, the committee will be discussing recovery of disciplinary costs.

Dr. Bryant made the following report:

- **2018 National Dental Educator's Advisory Forum** – Dr. Bryant will be representing the Board at the upcoming forum being held in Chicago, IL. This forum will deal with the process of changing its examination to the Integrated National Board Dental Examination and recommended actions dental boards should take to prepare for the change.
- **ADEX** – Dr. Bryant will be attending the conference August 10-12, 2018.

Dr. Alexander made the following reports:

- **Advisory Panel on Opioids** – Dr. Alexander informed the Board that the final regulation is still pending. He will be working on a patient education statement with Dr. Abubaker regarding usage and proper disposal of opioids.
- **Executive Committee Meeting** - Dr. Alexander informed the Board that the Executive Committee met on March 8, 2018. Revisions for the By-Laws were discussed. The meeting minutes and the proposed revisions were in the agenda package. Ms. Reen reviewed the proposed changes. Striking the word “treasurer” throughout the by-laws was suggested. A motion was made by Ms. Ridout to approve the changes made to the by-laws. Dr. Catchings seconded the motion and it passed.
- **Nominating Committee** - Dr. Alexander also informed the Board that the Nominating Committee met on May 18, 2018. The minutes have been included in the agenda package. The Committee has recommended Dr. Parris-Wilkins for President, Dr. Petticolas for Vice – President and Dr. Catchings as Secretary. He said the elections would be held at the September meeting.

LEGISLATION AND REGULATORY ACTIONS

Ms. Yeatts gave a report that all regulatory actions for dentistry are currently pending in the Governor’s office.

Ms. Yeatts provided a status report on the following regulatory actions:

- **Conforming rules to ADA guidelines on moderate sedation** –the comment period ended on February 23, 2018 so the Board can adopt these for publication as a final action. Ms. Russek made the motion to adopt as a final action. The motion was seconded and passed.
- **Continuing education for practice by remote supervision** – Ms. Yeatts said the emergency regulation is in effect and needs to be replaced with final regulations by May 12, 2019. She requested adoption of these regulations as proposed final regulations to be released for public comment. Dr. Bonwell made the motion to adopt the proposed regulations. The motion was seconded and passed.

BOARD DISCUSSIONS

Acknowledgment of Public Comments – There were no comments or discussion regarding public comment.

Guidance Documents – The Board discussed the following Guidance Documents:

- **60-1 Confidential Consent Agreements** - This Guidance document has been identified for Board review based on its age to consider revision, re-adoption or withdrawal. If re-adopted, consider removing violations of “terms of probation” in item number 2 as a matter that could be addressed in a CCA. Dr.

Petticolas made a motion to adopt the change and to re-adopt this guidance document as revised. The motion was seconded and passed.

- **60-7 - Delegation to Dental Assistants** - Identified for Board review based on its age to consider revision, re-adoption or withdrawal. Staff did not identify any needed changes or additions. Dr. Watkins made a motion to re-adopt. The motion was seconded and passed.
- **60-9 - Code of Conduct for Members** - Identified for Board review based on its age to consider revision, re-adoption or withdrawal. Staff did not identify any needed changes or additions. Dr. Bonwell made a motion to re-adopt. The motion was seconded and passed.
- **60-11 - Guidance on Completion of Treatment if Patient Has Not Paid Fees** - Identified for Board review based on its age to consider revision, re-adoption or withdrawal. If the Board wishes to retain this guidance, staff recommends withdrawing this guidance document and addressing it in the Practitioner Responsibility section of Guidance Document 60-15 by adding this provision. A motion was made by Dr. Petticolas to withdraw the guidance document. The motion was seconded and passed.
- **60-12 - Administration of Topical Oral Fluorides by Dental Hygienists under Standards adopted by the Virginia Department of Health** - Identified for Board review based on its age to consider revision, re-adoption or withdrawal. Staff recommends withdrawal of this guidance document because the substance of this guidance is more fully addressed in Guidance Document 60-13 Practice of Dental Hygienists under Remote Supervision, which is the next document in the agenda package. Dr. Watkins moved to withdraw this guidance document. The motion was seconded and passed.
- **60-13 - Practice of Dental Hygienists under Remote Supervision** - The Virginia Dental Hygienists' Association has requested that the Board make two revisions to this guidance document to conform to language in the governing statutes. Staff has drafted language to address this request for review by the Board and added language addressing §54.1-3408 provisions. Attachments also provided are:
 - * The email sent by the VDHA
 - * §54.1-2722 of the Code of Virginia
 - * An excerpt from the Drug Control Act, §54.1-3408, with subsections J. and VThis guidance document has been tabled until the next board meeting and referred to the Regulatory-Legislative Committee for review.
- **60-15 - Adding an unpaid fee provision in the Practitioner Responsibility section Standards for Professional Conduct in the Practice of Dentistry.** Ms. Russek moved to accept the document with adding “30 day notice period”. The motion was seconded and approved
- **60-19 – Dental Laboratory Subcontractor Work Order Form** - Identified for Board review based on its age to consider revision, re-adoption or withdrawal. Staff did not identify any needed changes or additions. This form has been deferred to the Regulatory-Legislative Committee for review.

BOARD COUNSEL REPORT

Mr. Rutkowski had nothing to report to Board.

DISCIPLINE AND DEPUTY EXECUTIVE DIRECTOR REPORT

- **Disciplinary Activity Report**

Ms. Palmatier reviewed her report noting for the third quarter of 2018, the Board received a total of 65 patient care cases. The Board closed a total of 75 patient care cases for a 115% clearance rate, which is down from 122% in Q2 of 2018. The current pending caseload older than 250 days is 25%, while the Board's goal is 20%. In Q3 of 2018, 89 % of the patient care cases were closed within 250 days. There was one mandatory suspension of a dental license and one voluntary surrender for indefinite suspension by the Board between February 21, 2018 and May 25, 2018.

EXECUTIVE DIRECTORS REPORT –

- **Oral Health Providers Overview**

Ms. Reen shared an article with the Board with information referencing dental hygienists and dental therapists with direct access of prescriptive authority.

- **Virginia DEQ Dental Rule FAQ for Dentists**

Ms. Reen shared the Dental Rule FAQ sheet with the Board, indicating that it would be added in the announcements section of the Board's webpage.

- **New Staff Member Introduction**

Ms. Reen introduced and welcomed the new Licensing Manager, Connie McHale to the Board.

EXECUTIVE ASSISTANTS REPORT –

- Ms. Beard discussed travel policy and procedures with the Board to assist in understanding policies and reimbursement procedures. A travel information sheet as well as the travel regulations were provided.

CALIBRATION EXERCISE –

- The Board participated in a calibration exercise related to probable cause decisions.

ADJOURNMENT: With all business concluded, Dr. Alexander adjourned the meeting at 12:18 PM.

John M. Alexander, D.D.S., Chair

Sandra K. Reen, Executive Director

Date

Date